

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)

v.)

No. 3:14-00173
Judge Haynes

SHERROD BURNETT)

**MOTION TO REVOKE MAGISTRATE JUDGE'S ORDER
REGARDING MR. BURNETT'S RIGHT OF SELF-REPRESENTATION**

Sherrod Burnett, through counsel, moves this Court, pursuant to Rule 59(a) of the Federal Rules of Criminal Procedure, to reverse the Magistrate Judge's order denying his right to self-representation and remand this matter for further proceedings. In support of this motion Mr. Burnett would state and show as follows.

I. FACTUAL BACKGROUND

On October 10, 2014, Mr. Burnett appeared before Magistrate Judge John Bryant for preliminary and detention hearings in the above-styled case. Counsel presented to the Magistrate two motions that Mr. Burnett had asked be filed challenging the Court's jurisdiction. (D.E. 14, Preliminary Hrg. Tr., at pp. 2-3.) The Magistrate Judge, after reviewing the motions, denied them and moved on to the preliminary and detention hearings. (*Id.* at p. 3.) The following exchange then took place between Mr. Burnett and Judge Bryant:

DEFENDANT: May I - - may I - - may I proceed?

THE COURT: No, sir, you may not. You have a lawyer. You speak through our lawyer. As long as - - as long as you have a lawyer, you must - - you must be represented by counsel. If Mr. Camp wishes to call you to the witness stand to testify, then that's something that you-all may do.

ORDER
This motion is
GRANTED. The action
is REMANDED to the
Magistrate Judge for
an inquiry
under U.S.
v. Williams,
641
F.3d
758, 766-
67 (6th
Cir 2004)
Will [Signature]
08710
10-30-14